

**REMARKS**

Claims 1-12 and 14-35 are all the claims pending in the present application, claims 13 and 36 having been canceled. In summary, the Examiner substantially maintains the previous prior art rejections and adds a few new arguments in the *Response to Arguments* section of the Office Action. Specifically, claims 1, 3-13, and 15-35 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lundstrom et al (U.S. Patent No. 7,289,480). Claims 2 and 14 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lundstrom and further in view of Wright et al (U.S. Patent No. 6,078,568).

Brief descriptions of the references were set forth in the previously filed Amendment.

§ 102(e) Rejections (Lundstrom) - Claims 1, 3-13, and 15-35

Claims 1, 3-13, and 15-35 are rejected substantially based on the same reasons set forth in the previous Office Action.

With respect to independent claims 1, 12, 24, and 25, Applicants previously argued that Lundstrom does not disclose or suggest at least, “a processor operable to process an event, upon occurrence of the event in the network, by extracting apparatus information for the apparatuses within the network from the management information and specifying a second streaming server different from a first data streaming server according to the extracted information,” (*emphasis added*) as recited in claim 1 and similarly recited in claims 12, 24, and 25. *See pages 11-12 of Amendment dated February 27, 2008.*

In the present Office Action, the Examiner alleges:

Lundstrom provides selecting one or more communication resources that are corresponded with packet type traffic and generating from a given type of communication application a model of the packet flow. Further, a packet flows are transmitted by channels, and one or more associated communication resources are viewed as additional streaming server resources that are being generated accordingly with the different packet type traffics.

Additional streaming server resources are different from each other for different data type traffics. Hence, the argument is not persuasive.

In response, Applicants submit that the cited portion of Lundstrom only generally discloses that a network can more efficiently manage selected communication resources based on the expected application behavior associated with those packet data types. However, Applicants maintain that there is no teaching or suggestion of a network apparatus comprising a processor that processes an event...by extracting apparatus information for the apparatuses within the network from the management information (of the same network apparatus comprising the processor) and specifying a second streaming server different from a first data streaming server according to the extracted information. The Examiner is obviously utilizing impermissible hindsight reasoning in concluding that the general concept of a network operating efficiently discloses or suggests the very specific features set forth above with respect to claim 1.

Applicants maintain that claims 12, 24, and 25 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

With respect to dependent claims 2-11, 14-23<sup>1</sup>, and 26-35, Applicants submit that these claims are patentable at least by virtue of their dependency from independent claims 1, 12, 24, and 25.

Further, with respect to the rejections of dependent claims 6, 18, and 30, Applicants previously argued that Lundstrom does not describe that management information comprises

---

<sup>1</sup> Applicants amend claims 14-23 as indicated herein for clarification purposes. Applicants submit that the scope of these claims have not changed and that the proposed amendments should not require further search and/or consideration. Claim 13 is canceled as indicated herein without prejudice or disclaimer.

channel state information, as Lundstrom only discusses the state of activity timers. *See page 13 of February 27 Amendment.*

In the present Office Action, the Examiner alleges:

The Examiner would like to point out that active and inactive are information for channel states and communication resources. They effectively indicates channel available information as well as helps to manage communication resources. Hence, the argument is not persuasive.

In response, Applicants maintain that the cited portions of Lundstrom only discuss states of an activity timer. That is, even if, *arguendo*, an activity is tangentially related to a channel in some way, the state of an activity timer is NOT channel state information.

Further, with respect to the rejections of dependent claims 9, 21, and 33, Applicants previously argued that Lundstrom does not disclose or suggest an event comprising a network participation request event operable to indicate participation in an already established network.

In response, the Examiner alleges:

Updating of the resource control parameters allows the network to maintain a balance as well as the information of the active (established) and inactive (not established) network resources. Thus, the argument is moot.

In response, Applicants submit that the Examiner has yet again utilized a general statement in Lundstrom to allegedly satisfy the very specific features set forth above. Accordingly, Applicants maintain at least based on the previously submitted arguments that there is no teaching or suggestion of an event comprising a network participation request event operable to indicate participation in an already established network.

Further, with respect to the rejections of dependent claims 11, 23, and 35, the Examiner does not even respond to the previously submitted arguments that there is no mention whatsoever in Lundstrom of a network disconnection request event operable to indicate disconnection from an already established network. Accordingly, Applicants to maintain these same arguments.

§ 103(a) Rejections (Lundstrom/Wright) - Claims 2 and 14

Applicants maintain that dependent claims 2 and 14 are patentable at least by virtue of their dependencies from independent claim 1. Wright does not make up for the deficiencies of Lundstrom.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

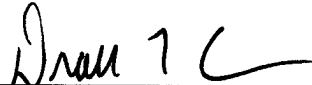
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Diallo T. Crenshaw  
Registration No. 52,778

Date: August 5, 2008